

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re RALPH KELLY HAWTHORNE, JR., No. C 13-0330 SBA (PR)

ORDER OF TRANSFER

This action was opened on January 24, 2013, when the Court received from Ralph Kelly Hawthorne, Jr. a letter to the Honorable Thelton E. Henderson that concerned prison conditions. Mr. Hawthorne also filed an application for in forma pauperis status.

Further review of Mr. Hawthorne's case reveals that he has initiated his civil action in the wrong judicial district. Mr. Hawthorne's letter states that he is currently incarcerated at California State Prison - Avenal (Avenal) in Kings County. The acts complained of occurred at Avenal, which is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk of the Court shall transfer the case forthwith. If any other documents are filed by Plaintiff in this case, the Clerk is directed to forward them to the Clerk of the United States District Court for the Eastern District of California.

If Mr. Hawthorne wishes to further pursue this action, he must complete the complaint form and in forma pauperis application required by the United States District Court for the Eastern District of California and mail them to that district.

All remaining motions are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

DATED: 6/10/13

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 IN RE RALPH KELLY HAWTHORNE,

6 Plaintiff,

7 v.

8 IN RE RALPH KELLY HAWTHORNE et al,

9 Defendant.
10 _____ /

Case Number: CV13-00330 SBA

CERTIFICATE OF SERVICE

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on June 10, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

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16 Ralph Kelly Hawthorne Prisoner Id E-65444
17 California State Prison-Avenal
18 520-55-L
P.O. Box 900
Avenal, CA 93204

19 Dated: June 10, 2013

20 Richard W. Wiking, Clerk
By: Lisa Clark, Deputy Clerk

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